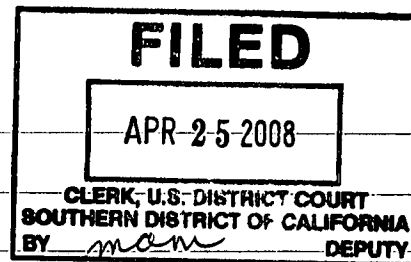


JOEL GONZALEZ-VILLA  
#99020-198  
MCC SAN DIEGO  
808 UNION ST  
SAN DIEGO, CA 92101



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA  
PLAINTIFF

CASE NO.: 08cr383  
DATE: APRIL 18, 2008

VS.

JOEL GONZALEZ-VILLA  
DEFENDANT PRO-SE

NOTICE OF MOTION AND  
MOTION TO WITHDRAW  
GUILTY PLEA

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY,  
AND ASSISTANT UNITED STATES  
ATTORNEY.

PLEASE TAKE NOTICE that on April 25, 2008 at  
2:00 pm or AS SOON THERE-AFTER AS defendant may be  
heard, the defendant JOEL GONZALEZ-VILLA ("Mr. GONZA-  
lez-Villa") by PRO-SE, will AND DOES hereby ask this  
Court to ENTER AN order granting the motion listed below.

MOTION

Mr. GONZALEZ-Villa pursuant to U.S. Constitution and all  
other applicable statutes, case law and local rules, hereby

1  
2  
3  
4 moves this Court for AN order to:

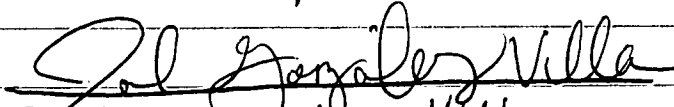
5  
6 (1) WITHDRAW GUILTY PLEA  
7

8 This motion is BASED upon the INSTANT motion AND  
9 NOTICE of motions, AND ANY AND ALL MATERIALS that MAY  
10 come to this Court's ATTENTION at the time of the  
11 HEARING on this motion.  
12

13 Respectfully Submitted,  
14

15 DATED: April 18, 2008

16 TIME: 9:35 PM

17   
18 JOEL GONZALEZ-VILLA  
19 DEFENDANT PRO-SE  
20  
21  
22  
23  
24  
25  
26  
27  
28

END

JOEL GONZALEZ-VILLA  
#99020-198  
MCC SAN DIEGO  
808 UNION ST.  
SAN DIEGO, CA 92101

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA  
Plaintiff

CASE NO.:

VS.

DATE: April 18, 2008

TIME: 7:25 pm

JOEL GONZALEZ-VILLA  
DEFENDANT PRO-SE

PRO-SE MOTION  
TO WITHDRAW  
GUILTY PLEA

DEFENDANT in the ABOVE ENTITLED CASE HEREBY REQUESTS  
THAT SAID DEFENDANT BE GRANTED THE COURT'S PERMISSION  
TO WITHDRAW HIS PLEA OF GUILTY THAT WAS MADE IN  
OPEN COURT ON April 18, 2008 to the criminal  
OFFENSE OF "BEING AN ILLEGAL ALIEN FOUND IN THE

1  
2  
3  
4 United States of America after previously being  
5  
6 deported, in violation of USC 1326, and based on the  
7  
8 following grounds the defendant seeks to withdraw  
9  
10 his guilty plea.

## 11 GROUND

12  
13 I. Defendant was pressured on April 11, 2008 by his  
14 attorney "Mr. Donovan J. Dunnion" in that Mr. Dunnion told  
15 the defendant "Mr. Joel Gonzalez-Villa" that he would  
16 be charged with alien smuggling and additional incarceration  
17 if he refused to sign the fast track agreement.

18  
19 II. Defendant believed his appearance in court was to  
20 plead not guilty and to have his immigration status  
21 reviewed by the court.

22  
23 III. Defendant was not, prior to the hearing advised by Mr.  
24 Dunnion that he was going to plead guilty.

25  
26 IV. Defendant was not allowed to speak to his attorney  
27 whatsoever to discuss the ramifications of entering  
28 a guilty plea prior to the hearing.

V. DEFENDANT WAS RUSHED BY THE COURT INTO ENTERING A PLEA OF GUILTY.

VI. DEFENDANT TRIED TO INFORM COUNSEL DURING THE COURT HEARING THAT HE DID NOT <sup>WANT</sup> TO PLEAD GUILTY, BUT WAS IGNORED BY MR. DUNNION.

VII. DEFENDANT HAD INEFFECTIVE COUNSEL DURING SAID COURT HEARING.

## CONCLUSION

ON APRIL 11, 2008 MR. GONZALEZ-VILLA WAS THREATENED BY HIS ATTORNEY MR. DUNNION WITH ADDITIONAL FELONY CHARGE AND AN EXTENDED TERM OF INCARCERATION IF HE REFUSED TO SIGN AND ACCEPT THE PROPOSED PLEA OFFER, AND MR. GONZALEZ-VILLA WAS SUBSEQUENTLY COERCED BY MR. DUNNION INTO SIGNING THE FAST TRACK PLEA AGREEMENT.

FURTHERMORE, MR. GONZALEZ-VILLA WAS NOT PERMITTED THE OPPORTUNITY TO DISCUSS BEFORE THE HEARING WITH MR. DUNNION HIS WISHES REGARDING THIS CASE, OR THE PLEA, TO FIND OUT IF HE COULD IN FACT BACK OUT OF HIS SIGNED FAST TRACK AGREEMENT, AND SINCE MR. DUNNION NEVER FURNISHED MR. GONZALEZ-VILLA WITH A COPY OF THE SIGNED AGREEMENT AS REQUESTED,

1  
2  
3  
4 ~~AND~~<sup>HE</sup> had no way of knowing whether the signed plea offer  
5 could in fact be voided without discussing this with Mr. DUNNION,  
6 AND Mr. DUNNION NEVER did go<sup>to</sup> the inmate holding area  
7 before the hearing<sup>to</sup> inquire if Mr. GONZALEZ still wished  
8 to enter a plea of guilty.

9 Additionally the Court erred in rushing Mr. GONZALEZ-  
10 Villa into pleading guilty, AND the Court further erred in NOT  
11 asking Mr. GONZALEZ-Villa whether he had the chance to talk  
12 to counsel prior to the hearing.

13 And due to Mr. GONZALEZ<sup>Villa</sup>'s limited knowledge AND understanding  
14 of both the law AND the judicial process, AND he should  
15 NOT be forced, rushed, threaten, coerced or by ANY  
16 other means or tactics, into pleading to ANY criminal  
17 charge which requires a plea of guilty to sustain a con-  
18 viction, AND the defendant has a fundamental AS WELL AS A  
19 constitutional right to be free from this type of treatment  
20 by the UNITED STATES legal system, AND should be allowed  
21 to have his guilty plea withdrawn.

22 Therefore Mr. JOEL GONZALEZ-Villa prays that the Court  
23 withdraw his plea of guilty, AND to have his case scheduled  
24 for further action in accordance with the law, AND ANY  
25 other relief that the Court deems just AND proper.

26 Respectfully Submitted,

27 END: April 18, 2008

  
28

JOEL GONZALEZ-Villa

DEPENDANT PRO-SE

PAGE 4 OF 4

PRO-SE MOTION TO WITHDRAW GUILTY PLEA



April 18, 2008  
CASE NO. \_\_\_\_\_

Clerk of The United States District Court,  
Southern District of California

DEAR CLERK,

Could you PLEASE ACCEPT for filing the ENCLOSED  
NOTICE OF MOTION AND MOTION to withdraw guilty  
PLEA AND include the CASE NUMBER AND the ASSISTANT  
U.S. ATTORNEY'S NAME, AS I do NOT KNOW THESE.

Could you also RETURN COPIES to ME AND FORWARD  
COPIES to the U.S. ATTORNEY handling this CASE.

Thank you for your time AND ATTENTION in this  
matter.

Sincerely,

*Joel Gonzalez Villa*

JOEL GONZALEZ-VILLA

# 99020-198

MCC SAN DIEGO

808 UNION ST

SAN DIEGO, CA, 92101